

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

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|--|---|-----------------------------|
| DAVID McGEE, et al., | : | |
| Plaintiff and | : | |
| Intervenor-Plaintiffs | : | |
| | : | |
| v. | : | File No. 1:04-cv-335 |
| | : | (Lead Case) |
| STEVEN GOLD, KEITH TALLON, | : | |
| CELESTE GIRRELL, ROBERT | : | |
| HOFMANN, JOHN GORCZYK, | : | |
| KATHLEEN LANMAN, MICHAEL | : | |
| O'MALLEY, ANITA CARBENELLE, | : | |
| STUART GLADDING, DANIEL | : | |
| FLORENTINE, RAYMOND FLUM | : | |
| and CAROL CALLEA, | : | |
| Defendants | : | |
| <hr style="border: 0.5px solid black; margin: 10px 0;"/> | | |
| JACOB SEXTON, | : | |
| Plaintiff | : | |
| | : | |
| v. | : | File No. 1:05-cv-231 |
| | : | |
| ROBERT HOFMANN | : | |
| and KEITH TALLON, | : | |
| Defendants | : | |
| <hr style="border: 0.5px solid black; margin: 10px 0;"/> | | |

ORDER

The Magistrate Judge's Report and Recommendation was filed September 25, 2006 (Paper 188). After de novo review and absent timely objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiffs' motion for class certification (Paper 181) and amended motion for class certification (Paper 187) is GRANTED. The class shall consist of inmates who have been subjected, are currently being subjected, or who will be subjected to constant illumination in Vermont prison cells and who suffer injuries as

a result. The Office of the Defender General shall continue as counsel for the class. The Court declines to order direct appropriate notice to the class. Fed. R. Civ. P. 23(c)(2)(A).

This matter is returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 13th day of October, 2006.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge